

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR CONTINUATION-IN-PART APPLICATION

Attorney Docket No.

8500-0058.23

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;  
I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN  
ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT  
MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION

ENTITLED: 1,2,4-BENZOTRIAZINE OXIDES AS RADIOSENSITIZERS AND SELECTIVE  
CYTOTOXIC AGENTS

the specification of which:

(check      is attached hereto;  
one)      was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION,  
INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE INFORMATION WHICH IS MATERIAL TO THE EXAMINATION OF THIS APPLICATION IN ACCORDANCE WITH TITLE 37, CODE OF FEDERAL REGULATIONS, Sec. 1.56 (a) which states: "A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.";

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) set forth above which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>356,602</u> (Application Serial No.)	<u>24 May 1989</u> (Filing Date)	<u>pending</u> (Status) (patented, pending, abandoned)
<u>169,873</u> (Application Serial No.)	<u>18 March 1988</u> (Filing Date)	<u>abandoned</u> (Status) (patented, pending, abandoned)
<u>911,906</u> (Application Ser.No.)	<u>25 September 1986</u> (Filing Date)	<u>abandoned</u> (Status) (patented, pending, abandoned)

As to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and that the earliest application(s) for patent or inventor's certificate on said invention filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such applications (if any) filed more than twelve months prior to the filing date of this application:

Spain	No.:	P8900991	Filed:	17 March 1989
Portugal		90039		17 March 1989
Greece		89.01.00167		17 March 1989
PCT		PCT/US89/01037		15 March 1989
New Zealand		228323		14 March 1989
Ireland		721/89		6 March 1989
Canada		540,932		30 June 1987
PCT		PCT/US87/01412		16 June 1987
West Germany		P3790581.3		16 June 1987
United Kingdom		8810634.9		16 June 1987
Japan		504083-1987		16 June 1987

The priority of the earliest application(s) (if any) filed within a year prior to said pending prior application is hereby claimed under 35 U.S.C. §119;

As to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate issued in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application, and that the earliest application(s) for patent or inventor's certificate on said subject matter filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such application(s) (if any) filed more than twelve months prior to the filing date of this application:

NONE

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR CONTINUATION-IN-PART APPLICATION**

**Attorney Docket No.**

8500-0058.23

The priority of the earliest application(s) (if any) filed within a year prior to this application is hereby claimed under 35 U.S.C. §119;

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

William H. Benz - Reg. No. 25,952  
Mary-Elizabeth Buckles - Reg. No. 31,907  
Thomas E. Ciotti - Reg. No. 21,013  
Ronald Craig Fish - Reg. No. 28,843  
Grant D. Green - Reg. No. 31,259  
Ronald S. Laurie - Reg. No. 25,431  
Gladys H. Monroy - Reg. No. 32,430

Kate H. Murashige - Reg. No. 29,959  
Lisabeth Feix Murphy - Reg. No. 31,547  
Matthew C. Rainey - Reg. No. 32,291  
Dianne E. Reed - Reg. No. 31,292  
Roberta Robins - Reg. No. 33,208  
Debra Shetka - Reg. No. 33,309

and: \_\_\_\_\_

Address all correspondence to:

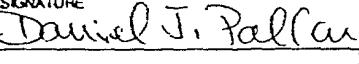
IRELL & MANELLA  
545 Middlefield Road, Suite 200  
Menlo Park, California 94025-3471

Address all telephone calls to: Dianne E. Reed at 415-327-7250.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR	SIGNATURE	DATE
William W. Lee	William W. Lee	10/30/89
RESIDENCE	CITIZENSHIP	
Palo Alto, California	United States	
POST OFFICE ADDRESS		
991 N. California Avenue, Palo Alto, California 94303		
FULL NAME OF SECOND JOINT INVENTOR, IF ANY	SIGNATURE	DATE
J. Martin Brown	J. Martin Brown	10/11/89
RESIDENCE	CITIZENSHIP	
Stanford, California	United States	
POST OFFICE ADDRESS		
33 Peter Coutts Circle, Stanford, California 94305		
FULL NAME OF THIRD JOINT INVENTOR, IF ANY	SIGNATURE	DATE
Edward W. Grange	Edward W. Grange	10/11/89
RESIDENCE	CITIZENSHIP	
Palo Alto, California	United States	
POST OFFICE ADDRESS		
3480 Waverly Street, Palo Alto, California 94306		
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
Abelardo P. Martinez	Abelardo P. Martinez	10-9-'89
RESIDENCE	CITIZENSHIP	
San Jose, California	United States	
POST OFFICE ADDRESS		
1111 Beaumont Drive, San Jose, California 95129		

Please see attached continuation page for additional inventors

COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUATION PAGE FOR ADDITIONAL INVENTORS		Attorney Docket No. 8500-0058.23
(This page must be attached to a completed Combined Declaration And Power Of Attorney before signing).		
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY Michael Tracy	SIGNATURE 	DATE 10.05.1980
RESIDENCE Palo Alto, California		CITIZENSHIP British
POSTOFFICE ADDRESS 2495 Chabot Terrace, Palo Alto, California 94303		
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY Daniel J. Pollart	SIGNATURE 	DATE 10-5-89
RESIDENCE Menlo Park, California		CITIZENSHIP United States
POSTOFFICE ADDRESS 855 Arbor Road, Menlo Park, California 94025		
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POSTOFFICE ADDRESS		
FULL NAME OF EIGHTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POSTOFFICE ADDRESS		
FULL NAME OF NINTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POSTOFFICE ADDRESS		
FULL NAME OF TENTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POSTOFFICE ADDRESS		
FULL NAME OF ELEVENTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POSTOFFICE ADDRESS		
FULL NAME OF TWELFTH JOINT INVENTOR, IF ANY	SIGNATURE	DATE
RESIDENCE		CITIZENSHIP
POSTOFFICE ADDRESS		